

## **§ 384.226**

section. This does not preclude authorized users from requesting a CDLIS driver status.

[67 FR 49762, July 31, 2002, as amended at 73 FR 73125, Dec. 1, 2008; 76 FR 26895, May 9, 2011; 78 FR 58480, Sept. 24, 2013]

### **§ 384.226 Prohibition on masking convictions.**

The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP or CDL holder's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State.

[76 FR 26895, May 9, 2011]

### **§ 384.227 Record of digital image or photograph.**

The State must:

(a) Record the digital color image or photograph or black and white laser engraved photograph that is captured as part of the application process and placed on the licensing document of every person who is issued a CDL, as required under § 383.153. The digital color image or photograph or black and white laser engraved photograph must either be made part of the driver history or be linked to the driver history in a separate file.

(b) Check the digital color image or photograph or black and white laser engraved photograph on record whenever the CDL applicant or holder appears in person to renew, upgrade, or transfer a CDL and when a duplicate CDL is issued.

(c) Check the digital color image or photograph or black and white laser engraved photograph on record whenever the CLP applicant or holder appears in person to issue, renew or upgrade a CLP and when a duplicate CLP is issued.

(d) If no digital color image or photograph or black and white laser engraved photograph exists on record, the State must check the photograph or

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image on the base-license presented with the CLP or CDL application.

[76 FR 26895, May 9, 2011, as amended at 78 FR 17881, Mar. 25, 2013]

### **§ 384.228 Examiner training and record checks.**

For all State and third party CDL test examiners, the State must meet the following 10 requirements:

(a) Establish examiner training standards for initial and refresher training that provides CDL test examiners with a fundamental understanding of the objectives of the CDL testing program, and with all of the knowledge and skills necessary to serve as a CDL test examiner and assist jurisdictions in meeting the Federal CDL testing requirements.

(b) Require all State knowledge and skills test examiners to successfully complete a formal CDL test examiner training course and examination before certifying them to administer CDL knowledge and skills tests.

(c) The training course for CDL knowledge test examiners must cover at least the following three units of instruction:

(1) Introduction to CDL Licensing System:

(i) The Commercial Motor Vehicle Safety Act of 1986.

(ii) Drivers covered by CDL program.

(iii) CDL vehicle classification.

(iv) CDL endorsements and restrictions.

(2) Overview of the CDL tests:

(i) CDL test, classifications, and endorsements.

(ii) Different examinations.

(iii) Representative vehicles.

(iv) Validity and reliability.

(v) Test maintenance.

(3) Knowledge tests:

(i) General knowledge tests.

(ii) Specialized knowledge tests.

(iii) Selecting the appropriate tests and test forms.

(iv) Knowledge test administration.

(d) The training course for CDL skills test examiners must cover at least the following five units of instruction:

(1) Introduction to CDL Licensing System:

(i) The Commercial Motor Vehicle Safety Act of 1986.

(ii) Drivers covered by CDL program.

- (iii) CDL vehicle classification.
- (iv) CDL endorsements and restrictions.

(2) Overview of the CDL tests:

- (i) CDL test, classifications, and endorsements.

- (ii) Different examinations.

- (iii) Representative vehicles.

- (iv) Validity and reliability.

- (v) Test maintenance.

(3) Vehicle inspection test:

- (i) Test overview.

- (ii) Description of safety rules.

- (iii) Test scoring procedures.

- (iv) Scoring standards.

- (v) Calculating final score.

(4) Basic control skills testing:

- (i) Setting up the basic control skills course.

- (ii) Description of safety rules.

- (iii) General scoring procedures.

- (iv) Administering the test.

- (v) Calculating the score.

(5) Road test:

- (i) Setting up the road test.

- (ii) Required maneuvers.

- (iii) Administering the road test.

- (iv) Calculating the score.

(e) Require all third party skills test examiners to successfully complete a formal CDL test examiner training course and examination before certifying them to administer CDL skills tests. The training course must cover at least the five units of instruction in paragraph (d) of this section.

(f) Require State and third party CDL test examiners to successfully complete a refresher training course and examination every four years to maintain their CDL test examiner certification. The refresher training course must cover at least the following:

- (1) For CDL knowledge test examiners, the three units of training described in paragraph (c) of this section.

- (2) For CDL skills test examiners, the five units of training described in paragraph (d) of this section.

- (3) Any State specific material and information related to administering CDL knowledge and skills tests.

- (4) Any new Federal CDL regulations, updates to administering the tests, and new safety related equipment on the vehicles.

- (g) Complete nationwide criminal background check of all skills test ex-

aminers prior to certifying them to administer CDL skills tests.

- (h)(1) Complete nationwide criminal background check of all State and third party test examiners at the time of hiring.

- (2) Complete nationwide criminal background check of any State and third party current test examiner who has not had a nationwide criminal background check.

- (i) Maintain a record of the results of the criminal background check and CDL examiner test training and certification of all CDL test examiners.

- (j) Rescind the certification to administer CDL tests of all test examiners who:

- (1) Do not successfully complete the required refresher training every four years; or

- (2) Do not pass annual nationwide criminal background checks. Criteria for not passing the criminal background check must include at least the following:

- (i) Any felony conviction within the last 10 years; or

- (ii) Any conviction involving fraudulent activities.

- (k) The six units of training described in paragraphs (c) and (d) of this section may be supplemented with State-specific material and information related to administering CDL knowledge and skills tests.

[76 FR 26895, May 9, 2011 as amended at 78 FR 17882, Mar. 25, 2013]

#### **§ 384.229 Skills test examiner auditing and monitoring.**

To ensure the integrity of the CDL skills testing program, the State must:

- (a) At least once every 2 years, conduct unannounced, on-site inspections of third party testers' and examiners' records, including comparison of the CDL skills test results of applicants who are issued CDLs with the CDL scoring sheets that are maintained in the third party testers' files;

- (b) At least once every two years, conduct covert and overt monitoring of examinations performed by State and third party CDL skills test examiners. For third party testers and examiners who were granted the training and skills testing exception under